

CLASSIFICATION OFFICE DECISION

Title of publication: 05.jpg

Other known title(s): Not stated

OFLC ref: 1600777.001

Medium: Computer Image File

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Secretary for Internal Affairs

Classification:	Unrestricted.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 14 October 2016

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 14 October 2016

Summary of reasons for decision:

The computer image file comprises a colour photo of a man cuddling a toddler. The child's face has been obscured and the man's face is out of shot. The man's hand rests over the child's leg in such a way that it is unclear whether or not the child is naked. The image is naturalistic and has a spontaneous tone. Even if the child is nude or partially nude, the image is not reasonably capable of being regarded as sexual in nature. It therefore does not get through the "subject matter gateway" of s3(1) of the Films, Videos, and Publications Classification Act 1993, nor does it deal with matters under s3A or s3B of that Act. The publication must therefore be classified as unrestricted. An unrestricted classification imposes no limitations on the right to freedom of expression as affirmed by the New Zealand Bill of Rights Act 1990.